## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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CHRISTOPHER BURR, Individually and as Adoptive Parent and Legal Guardian of L.B., a Minor; and SUSAN HOY Guardian Ad Litem for L.B., a Minor.

Plaintiff,

v.

CLARK COUNTY DEPARTMENT OF FAMILY SERVICES; COUNTY OF CLARK, a Political Subdivision of the State of Nevada; HEATHER MUMMEY, individually, and in her official capacity; TIM BURCH, individually, and in his official capacity; ROE CLARK COUNTY DEPARTMENT OF FAMILY SERVICES EMPLOYEES I through X, individually and in their official capacities; JONEL KAYE REPOLLO QUERRER, individually; DOES I through XX; and ROE CORPORATIONS I through XX, inclusive,

Defendants.

Case No. 2:20-cv-01101-JCM-EJY

**ORDER** 

Pending before the Court is Defendants County of Clark and Heather Mummey's Motion for Leave to File Exhibits Under Seal (ECF No. 111). Defendants seek leave to file Exhibits E and G referenced in their Response to Plaintiffs' Objection to Defendants' Bill of Costs (ECF No. 110) under seal. Defendants state these documents contain "portions of UMC Medical Records that are HIPAA-protected and confidential." *Id.* at 2.

As the party seeking to seal a judicial record Defendants must meet their burden of overcoming the strong presumption in favor of access and public policies favoring disclosure. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006) (holding that those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that "compelling reasons" support secrecy). Where a party seeks to seal documents attached to a non-dispositive motion, the "public policies that support the right of access to dispositive motions ... do not apply with equal force ...." *Id.* at 1179 (citation omitted).

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1	Importantly, medical privacy meets the compelling reason standard. See, e.g., San Ramon
2	Regional Med. Ctr., Inc. v. Principal Life Ins. Co., 2011 WL89931, at *n. 1 (N.D. Cal. Jan. 10
3	2011); Abbey v. Hawaii Employers Mut. Ins. Co., 2010 WL4715793, at *1–2 (D.HI. Nov. 15, 2010)
4	G. v. Hawaii, 2010 WL 267483, at *1–2 (D. HI. June 25, 2010); Wilkins v. Ahern, 2010 WL3755654
5	(N.D. Cal. Sept. 24, 2010); Lombardi v. Tri West Healthcare Alliance Corp., 2009 WL 1212170, a
6	*1 (D. Ariz. May 4, 2009); Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1136 (9th Cir
7	2003). The Court considered the Motion and the documents sought to be sealed, which are medica
8	records. The Court therefore finds Exhibits E and G are properly sealed.
9	Accordingly, IT IS HEREBY ORDERED that Defendants County of Clark and Heather
0	Mummey's Motion for Leave to File Exhibits Under Seal (ECF No. 111) is GRANTED.
11	IT IS FURTHER ORDERED that Exhibits E and G (ECF No. 112) are and shall remain
12	sealed.
13	DATED this 11th day of October, 2023.
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15	layra J. Louchak
16	UNITED STATES MAGISTRATE JUDGE
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